

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue of Letters Patent 5,599,804

Applicant(s): Lawrence C. Mudge

Serial No.: 10/849,509

Filed: May 19, 2004

Art Unit: 1616

Examiner: Alton M. Pryor

For: FUNGICIDAL COMPOSITIONS FOR THE ENHANCEMENT OF TURF
QUALITY

**THIRD SUPPLEMENTAL DECLARATION BY ASSIGNEE
FOR REISSUE PATENT APPLICATION**

I hereby declare that:

- I.** My name, title, and post office address are stated below, with my signature. I am authorized to act in connection with the aforesaid U.S. Patent No. 5,544,804 (“‘804 patent”) and reissue application on behalf of the assignee, Bayer CropScience, Inc., which is the assignee of the said patent and applicant of the subject reissue application.

All statements made herein are made on behalf of the assignee and reissue applicant Bayer CropScience, Inc.

- II.** This Third Supplemental Declaration is intended to supplement the “Reissue Declaration...” and “Supplemental Reissue Declaration...” both filed in this reissue application on January 7, 2005 and the Second Supplemental Declaration filed November

11, 2007. The statements in those three prior declarations are incorporated herein by reference.

- III.** I have reviewed and understand the contents of the '804 patent, the subject reissue application, including the claims now pending and as amended by the "Amendment and Request For Conference" filed April 29, 2008 and the specification, including any amendment thereto.
- IV.** I believe every error in the patent which is corrected in the present reissue application, and which is not covered by the prior Declaration and by the prior Supplemental Declarations by assignee submitted in this application, arose without any deceptive intention on the part of the applicant.
- V.** I hereby specifically supplement paragraph "V." of the Reissue Declaration and paragraph "VI" of the Supplemental Reissue Declaration, both filed January 7, 2005 by stating:

I believe Laurence C. Mudge to be the original and first inventor of the subject matter which is described and claimed in U.S. Patent No. 5,559,804 ("the '804 patent") granted on February 4, 1997, and for which a reissue patent is sought on the invention entitled, "**FUNGICIDAL COMPOSITIONS FOR THE ENHANCEMENT OF TURF QUALITY.**" I believe Laurence C. Mudge is a citizen of the United States and that he presently resides at 8 Ancram Road, Camden, SC 29020.

Supplemental Declaration
U.S. Patent No. 10/849,509

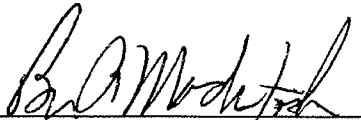
Docket No. 0624-4129

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name: Bruce Mackintosh

Title: Vice President, Secretary and General Counsel

Address: 2 T.W. Alexander Drive
Research Triangle Park, North Carolina 27709

Signature:  Date: May 21, 2008